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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

2007 APR 24 P 4:03

DAVID DAVIS,
EBER P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Plaintiff

v.

PHENIX CITY, ALABAMA,

JEFFREY HARDIN, named in his individual
and official capacities,

H.H. ROBERTS, named in his individual
and official capacities,

WALLACE HUNTER, named in his individual
and official capacities,

ROY WATERS, named in his individual
and official capacities,

and

BARBARA GOODWIN, named in her individual
and official capacities,

Defendants.

Case Number:

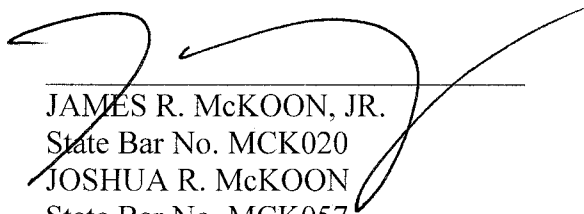
3:06-CV-0544-WHA

MOTION FOR SUMMARY JUDGMENT

COME NOW Defendants Phenix City, Alabama, Jeffrey Hardin, H.H. Roberts and Wallace Hunter and file this their Motion for Summary Judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure. Said Defendants hereby move this Court to grant unto them Summary Judgment with respect to all claims against them. Summary Judgment is appropriate because Plaintiff has failed to establish a genuine issue as to any material fact and Defendants are entitled to Summary Judgment as a matter of law. This Motion is based upon the following:

1. Pleadings filed in this case;
2. Memorandum Brief in Support of this Motion filed contemporaneously herewith;
3. Statement of Facts contained in the Memorandum Brief in Support of Defendants' Motion for Summary Judgment; and
4. Evidentiary Materials filed in Support of Defendants' Motion.

WHEREFORE, premises considered, Defendants, Phenix City, Alabama, Jeffrey Hardin, H.H. Roberts and Wallace Hunter, respectfully request this Court to grant Summary Judgment unto them and against the Plaintiff with respect to all of Plaintiff's claims.



JAMES R. McKOON, JR.
State Bar No. MCK020
JOSHUA R. McKOON
State Bar No. MCK057
Attorneys for Defendants

McKoon, Thomas & McKoon
925 Broad Street
Post Office Box 3220
Phenix City, Alabama 36868-3220
334 297-2300
facsimile 334-297-2777

OF COUNSEL:

JAMES P. GRAHAM, JR.
Post Office Box 3380
Phenix City, Alabama 36868-3380
334 291-0315

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Motion to Dismiss upon Counsel for the Plaintiff by placing a copy of same in First Class Mail addressed as follows:

Thomas A. Woodley
Molly A. Elkin
Bryan G. Polisuk
Woodley & McGillivray
1125 15th Street, N.W.
Suite 400
Washington, D.C. 20005

J. Michael Cooper, Esq.
Fitzpatrick, Cooper & Clark, LLP
Farley Building, Suite 600
1929 Third Avenue North
Birmingham, Alabama 35203

This 24th day of April, 2007.



JAMES R. McKOON, JR.
One of the Attorneys for Defendants